

REMARKS

In response to the Office Action dated January 5, 2007, Applicant respectfully requests reconsideration. Applicant has amended Claim 14 to clarify the terms used in the claim and not to overcome issues relating to patentability. For the reasons stated herein, claim 14 prior to amendment (as well as the other claims) is believed to be patentable over the prior art. This application is believed to be in allowable condition.

Claims 3-10 and 12, 14-23, 26 and 34-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6862596 (Thomsen) in view of non-patent literature www.careerbuilder.com, “any linkage Feb. 29, 2000 (Career Builder)”. Applicant respectfully traverses the rejection and respectfully submits that, as discussed below, the claims are patentable over the prior art.

Independent claim 3 is directed to a method of providing compensation information over a communication network. The method includes prompting the user to select job comparison information to compare the desired compensation information associated with the selected job class and selected job titles with at least one of a national average compensation associated with the selected job class and job title, compensation for the selected job class and job title associated with a different geographic region than the selected geographic region, and compensation for the selected job class and the selected geographic region with a different job title associated with the selected job class. The method also includes receiving, over the communication network, a selection by the user of comparison information, retrieving, from the database containing compensation information associated with jobs, desired comparison compensation information corresponding to the selection by the user of the comparison information, and transmitting the desired comparison compensation information to the user over the communication network in addition to the desired compensation information in a format for comparing the desired compensation information and the desired comparison compensation information.

The Thomsen reference cited in the office action teaches separate software modules, for example the Salary Assessor 148a, Relocation Assessor 148b and Geographic Assessor 148c, each of which performs a separate function. See col. 5, lines 19 - 65. The Thomsen reference does not teach or disclose prompting the user to select job comparison information to compare the desired compensation information associated with the selected job class and selected job titles with compensation for the selected job class and job title associated with a different

geographic region than the selected geographic region according to the present invention. Thomsen merely suggests that one “can output the corresponding salary in a second geographical location, based on the difference in the cost of labor between the two locations.” (C.5 lines 51-60). Thomsen does not teach or disclose comparing actual job opportunities for a different geographical region by retrieving from a database, compensation information associated with jobs corresponding to the selection by the user of the comparison information as recited in claim 3.

The office action correctly states that the Thomsen reference fails to teach transmitting indicia of links to job opportunities in which the links contain information relating to at least one opportunity for a job corresponding to the selected job category. As indicated in the office action, the Career builder reference includes a tab for a user to select to start a new search for a job. However, this tab is not a link to at least one job opportunity corresponding to the selected job category as claimed and therefore teaches away from the present invention. Specifically, the Career Builder reference fails to teach or suggest providing links to job opportunities in which the user is connected to information relating to at least one opportunity for a job corresponding to the selected job category previously selected by the user. Further, the rejection is silent as to where and how this claim element is met by the prior art. Accordingly, for at least these reasons, claim 3 is patentable over the Thomsen reference in view of the Career Builder reference. Claims 4-10 and 12 depend, directly or indirectly, from claim 3 and are patentable for at least the reasons that claim 3 is patentable.

It is noted that the office action states that it would have been obvious ‘to combine Career Builder with Thomsen so as to allow a user that is considering a career move, the opportunity to see if jobs are available in a desired area once a salary has been determined.’ However, none of the prior art references demonstrate or suggest this combination and the office action has not articulated why or how a person having ordinary skill in the art would come arrive at this combination absent review of the present invention. As the Supreme Court stated in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ____ (2007), “[t]o facilitate review, this analysis should be made explicit.” *See, In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”). *Slip op.* at 14. Further, the Court stated: “As is clear from cases such as *Adams*,

a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *Id.*

Independent claim 14 is directed to a system for providing compensation information. The system includes an interface module configured to provide the compensation information from the compensation module to the network for the user and configured to provide a job opportunities link that is selectable by the user to connect the user via the communication network to information relating to at least one opportunity for a job corresponding to the selected job data. The prompts of the interface module include at least one comparison prompt for the user to select other job data of at least one of a national average of compensation associated with a job of the at least a portion of the job data, the job of the at least a portion of the job data and a geographic location different than that of the at least a portion of the job data, and a geographic location and a job class of the at least a portion of the job data with a different job than that of the at least a portion of the job data.

As noted above, neither the Thomsen reference nor the Career Builder reference teach or suggest comparing job data associated with different geographic regions, they merely calculate an estimated salary based on the difference in the cost of labor between the two locations. Further neither the Thomsen reference nor the Career Builder reference teach providing a comparison prompt for the user to select other job data to perform a comparison as claimed. Also, as noted above, the Thomsen reference in view of the Career Builder reference, fails to provide links to job opportunities in which the links contain information relating to at least one opportunity for a job corresponding to the selected job category. For at least these reasons, claim 14 is patentable over the Thomsen reference in view of the Career Builder reference. Claims 13-23, 26, and 34-35 depend, directly or indirectly, from claim 14 and are patentable for at least the reasons that claim 14 is patentable.

As to new claims 38 and 39, these claims include transmitting indicia of links to job opportunities in which the links contain information relating to at least one opportunity for a job corresponding to the selected job category. Since neither Thomsen reference nor the Career Builder reference teach or suggest providing the user with indicia of links to job opportunities which include information related to the job categories previously selected by the user, these claims are patentable over the prior art as well.

Applicant: Gregory Kent Plunkett et al.
U.S.S.N.: 09/823,524

Applicants believe this application to be in allowable condition, and a notice indicating allowance is respectfully requested. To answer any questions, or otherwise further the prosecution of this application, the Examiner may contact the undersigned attorney at the number provided below.

Respectfully submitted,

/David F. Crosby/
David F. Crosby, Esq. (Reg. No. 36,400)
Mintz, Levin, Cohn, Ferris
Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111
Telephone: (617) 542-6000
Facsimile: (617) 542-2241
Email: dfcrosby@mintz.com
Attorney for Applicant
Customer No. 30623

Date: July 5, 2007

ACTIVE 4069853v.2